

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

BERGER

Atty. Ref.: 2784-36

Serial No. To be Assigned

Group:

Filed: October 9, 2003

Examiner:

For: CARDIAC SHOCK ELECTRODE SYSTEM AND  
CORRESPONDING IMPLANTABLE DEFIBRILLATOR  
SYSTEM

\* \* \* \* \*

October 9, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT**

- |                                     |  |          |
|-------------------------------------|--|----------|
| <input checked="" type="checkbox"/> | 1. <b>PTO-1449 Pursuant to 37 CFR 1.97(b)</b><br>[within 3 months of filing or prior to 1st Office Action] | N/C      |
| <input type="checkbox"/>            | 2. <b>Statement Pursuant to 37 CFR 1.97(c)</b><br>[before Final Office Action and Allowance]               | N/C      |
| <input type="checkbox"/>            | 3. <b>Fee Payment Pursuant to 37 CFR 1.97(c)</b><br>[before Final Office Action and Allowance]             | \$180.00 |
| <input type="checkbox"/>            | 4. <b>Pursuant to 37 CFR 1.97(d)</b><br>[before Issue Fee payment]   | \$180.00 |

The following are submitted in the above-identified application in compliance with 37 C.F.R. §§ 1.97 and 1.98:

- |                                     |  |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | 5. A list of documents on Form PTO-1449. Actual copies of the references listed on the attached form PTO-1449 are not included herewith in accordance with MPEP §609, these references being previously submitted in any and all of the parent applications. The parent application includes U.S. application Serial No. 09/586,787. |
|-------------------------------------|--|

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This paper is submitted in accordance with:

- ☒ 6. 37 CFR 1.97(b): [within 3 months of filing or prior to 1st Office Action]
- ☐ 7. 37 CFR 1.97(c): [before Final Office Action and Allowance, whichever is earlier]; and
- ☐ a) The required Statement made in item 9 below; or
- ☐ b) The \$180.00 fee specified in 37 CFR §1.17(p) for submission of this Information Disclosure Statement is authorized in item 10 below.
- ☐ 8. 37 CFR §1.97(d): [before issue fee payment]; and
- ☐ a) The fee (\$180.00) required by 37 CFR §1.17(p) is authorized in item 10 below; and
- ☐ b) The required Statement is stated in item 9 below.
- ☐ 9. Statement under 37 CFR 1.97(e)
- ☐ a) The undersigned attorney of record hereby certifies under 37 C.F.R. §1.97(e) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement (each item contained in this IDS was the first citation of that item by a foreign patent office in a counterpart foreign application which occurred no more than three months prior to the filing of this IDS); or
- ☐ b) No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement, after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
- ☒ 10. Please charge all applicable fees associated with the submission of this Information Disclosure Statement and any other fees applicable to this application to Deposit Account No. 14-1140. An original and one (1) copy of this document are enclosed.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: 

BERGER

Serial No. To be Assigned

Joseph A. Rhoa  
Reg. No. 37,515

JAR:caj

1100 North Glebe Road, 8th Floor

Arlington, VA 22201-4714

Telephone: (703) 816-4000

Facsimile: (703) 816-4100

**INFORMATION DISCLOSURE  
CITATION**

ATTY. DOCKET NO.

2784-36

SERIAL NO.

To be Assigned

APPLICANT

BERGER

(Use several sheets if necessary)

FILING DATE

October 9, 2003

GROUP

**U.S. PATENT DOCUMENTS**

| *EXAMINER<br>INITIAL | DOCUMENT NUMBER | DATE    | NAME              | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|----------------------|-----------------|---------|-------------------|-------|----------|-------------------------------|
|                      | 6,633,780       | 10/2003 | Berger            |       |          |                               |
|                      | 6,067,471       | 3/2000  | Warren            |       |          |                               |
|                      | 5,133,365       | 7/1992  | Hell, Jr., et al. |       |          |                               |
|                      | 4,662,377       | 5/1987  | Heilman et al.    |       |          |                               |
|                      | 4,030,509       | 6/1977  | Heilman et al.    |       |          |                               |
|                      | 4,564,812       | 1/1986  | Van DIJK          |       |          |                               |
|                      | 5,362,353       | 11/1994 | Mallon            |       |          |                               |
|                      | 4,749,895       | 6/1988  | Ruelle            |       |          |                               |
|                      | 5,761,053       | 6/1998  | King et al.       |       |          |                               |
|                      | 5,033,032       | 7/1991  | Houghtaling       |       |          |                               |
|                      | 5,594,200       | 1/1997  | Ramsey            |       |          |                               |
|                      | 5,456,706       | 10/1995 | Pless et al.      |       |          |                               |
|                      | 5,645,572       | 7/1997  | Kroll et al.      |       |          |                               |
|                      | 5,944,746       | 8/1999  | Kroll             |       |          |                               |
|                      | 5,782,873       | 7/1998  | Collins           |       |          |                               |
|                      | 4,641,656       | 2/1987  | Smits             |       |          |                               |
|                      | 5,533,958       | 7/1996  | Wilk              |       |          |                               |
|                      | 5,344,430       | 9/1994  | Berg et al.       |       |          |                               |
|                      | 5,824,028       | 10/1998 | Knisley           |       |          |                               |
|                      | 6,169,922       | 1/2001  | Alferness et al.  |       |          |                               |
|                      | 6,076,013       | 6/2000  | Brennan et al.    |       |          |                               |
|                      |                 |         |                   |       |          |                               |
|                      |                 |         |                   |       |          |                               |

**FOREIGN PATENT DOCUMENTS**

| DOCUMENT     | DATE    | COUNTRY | CLASS | SUBCLASS | TRANSLATION<br>YES NO |
|--------------|---------|---------|-------|----------|-----------------------|
| WO 00/074769 | 12/2000 | WIPO    |       |          | X                     |
|              |         |         |       |          |                       |
|              |         |         |       |          |                       |
|              |         |         |       |          |                       |
|              |         |         |       |          |                       |

**OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)**

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|-----------|-----------------|
| *Examiner | Date Considered |
|-----------|-----------------|

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.